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EXAMINER

TRAN, NGHI V

ART UNIT PAPER NUMBER

2151

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/955,665	Applicant(s) BUSAM ET AL.	
	Examiner Nghi V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/18/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Appeal Brief filed on May 18, 2006. Applicant's arguments, see Appeal Brief's Argument, filed May 18, 2006, have been fully considered and are persuasive. The previous rejection has been withdrawn. Therefore, claims 1-57 are presented for further examination.

¶ 12.187 Reopening of Prosecution After Appeal Brief or Reply Brief

2. In view of the Appeal Brief filed on May 18, 2006, PROSECUTION IS HEREBY REOPENED, the new Office action set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

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A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7, 9-12, 15-16, 18, 22-23, 28-29, 32-35, 37, 40-42, 47-48, 51-53, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber, U.S. Patent No. 6,470,453, in view of Duursma et al., U.S. Patent No. 6,928,469 (hereinafter Duursma).

5. With respect to claims 1, 15, 18, 23, 28, 34, 37, 42, 47-48, 51, and 53, Vilhuber a method for communicating data [see abstract and figs.1-4], comprising the steps of:

- receiving a request from a source device [102 i.e. client] to access a network of devices [col.5, Ins.38-45], said network of devices includes a first set of devices [i.e. network devices, **114a-c**], which said source device is authorized to access [i.e. "user access privileges (user privileges) based on the supplied user access information"], and which have been authenticated base on an associated identifier [i.e. username and password, col.8, Ins.8-19], said first

set of devices being distributed across a global network [col.5, Ins.46-55 and col.6, Ins.35-40 i.e. "a global network" is interpreted as "a communication channels" which may form part of a WAN];

- determining that said source device is authorized to access said first set of devices based on a correspondence between an identifier of said source device and said associated identifier [col.4, Ins.1-9 and col.8, Ins.4-46].

However, Vilhuber does not explicitly show a second set of devices, which said source device is not authorized to access and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices.

In a method for communicating data, Duursma suggests or discloses a second set of devices [i.e. each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B], which said source device is not authorized to access [i.e. each application program represented by one of the icons **128** is unavailable, although such applications are present in the server farm, col.18, Ins.60-63 and fig.6B. Further, each icon **126** and/or **128** represents an application program that is hosted by one of the servers **30**, **32**, **34**, and **36** in fig.1. Therefore, application might be equivalent with server and/or device as claimed] and responsive to said determining step, allowing communication between said source device and said first set of devices, and not allowing communication between said source device and said second set of devices [i.e. an

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applicant program can trigger indicating that the user is not authorized to the application, col.18, Ins.60-67].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma by not allowing communication between said source device and said second set of devices because this feature can be provided indicating that such applications are unavailable, when unauthorized applications are not filtered from the display [Duursma, col.7, Ins.28-42]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to trigger a message indicating that user is not authorized to use the application [col.18, Ins.65-67].

6. With respect to claims 2, 29, and 48, Vilhuber further teaches said identifier associated with said source device comprises [102 i.e. client] a first user identification [col.8, Ins.9-10 i.e. "a user identification" is interpreted as "a valid username"]; said first set of devices use said first user identification [col.8, Ins.11-19]; and said second set of devices do not use said first user identification [col.7, Ins.18-23].

7. With respect to claim 3, Vilhuber further teaches authenticating said device based on said first user identification and a first password [col.8, Ins.8-19], said step of allowing is performed in response to said step of authenticating [col.8, Ins.20-46].

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8. With respect to claims 10, 40, and 56, Vilhuber further teaches said step of allowing communication includes sending a command from said source device [102 i.e. client] to one or more devices of said first set of devices [114 i.e. network device] [col.7, Ins.18-22 i.e. "sending a command" is inherent because "a particular user is authorized to access the network"].

9. With respect to claims 11, 32, and 51, Vilhuber further teaches said step of allowing communication includes sending a command from said source device [102 i.e. client] to an intermediate server [104 i.e. network access server] and forwarding said command from said intermediate server to one or more devices of said first set of devices [114 i.e. network device] [col.7, Ins.18-22 i.e. "sending a command" is inherent because "a particular user is authorized to access the network through network access server"].

10. Claims 4, 7, 9, 12, 16, 22, 33, 35, 41, 52, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber, U.S. Patent No. 6,470,453, in view of Duursma et al., U.S. Patent No. 6,928,469 (hereinafter Duursma), and further in view of Huang, U.S. Patent No. 6,571,245 (hereinafter Huang).

11. With respect to claims 4 and 7, Vilhuber is silent on transmitting a search request to said first set of devices; performing searches at said first set of devices based on said search request; and providing results from said searches.

In a method of communication, Huang discloses transmitting a search request to said first set of devices; performing searches at said first set of devices based on said search request; and providing results from said searches [col.10, Ins.15-26 and figs.6-9].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma, and further in view of Huang by requesting, performing, and providing searches within a network because this feature allows the user to search for other users who consider this users as their friend [Huang, col.10, Ins.24-25]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Vilhuber in view of Huang in order to see a list of publish files available [Huang, col.10, Ins.20-21].

12. With respect to claim 9, Vilhuber does not explicitly show said step of allowing communication includes transferring items, streaming items, searching for items, and viewing a list of items.

In a method of communication, Huang discloses said step of allowing communication includes transferring items, streaming items, searching for items, and viewing a list of items [col.8, ln.63 - col.10, ln.60].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma, and further in view of Huang by allowing communication includes transferring items, streaming items, searching for items, and viewing a list of items because this feature provides a "virtual"

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computing environment such that the user sees the same desktop with which the user is accustomed, has access to the same applications and files, and enjoys the same amenities regardless of the computer system on which the user gains access [Huang, col.1, Ins.35-40]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to setup with identical desktop, applications, and file management system such that the user sees the same interface and has access to the same resources from any one of the computer systems connected to the network [Huang, col.1, ln.64 - col.2, ln.1].

13. With respect to claims 12, 16, 22, 33, 35, 41, 52, and 57, Vihuber does not explicitly show said creating a playlist comprises creating a playlist of items on different type of device.

In a method for communicating data, Huang discloses said creating a playlist comprises creating a playlist of items on different type of device [col.2, ln.16 - col.3, ln.4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma, and further in view of Huang by creating a playlist of items on different type of device because this feature provides a list of applications available to the user [Huang, col.2, ln.51]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to setup with identical desktop, applications, and file management system such that the user sees the same interface and has access to the

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same resources from any one of the computer systems connected to the network

[Huang, col.1, ln.64 - col.2, ln.1].

14. Claims 5, 6, 8, 17, 19-21, 24, 26, 30-31, 36, 38-39, 43, 45, 49-50, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber in view of Duursma as applied to claims 1, 15, 18, 23, 28, 34, 37, 42, 47, and 53 above, and further in view of London, U.S. Patent No. 6,061,734.

15. With respect to claims 5, 6, 8, 17, 19-21, 24, 26, 30-31, 36, 38-39, 43, 45, 49-50, and 54-55, Vilhuber and Duursma do not explicitly show receiving, at an intermediate entity, and from said source device, a request to search; forwarding said request to search from said intermediate entity to said first set of devices; performing searches at said first set of devices based on said request to search; attempting to provide results from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request to access a network of devices.

In a method for communicating data, London discloses receiving, at an intermediate entity, and from said source device, a request to search; forwarding said request to search from said intermediate entity to said first set of devices; performing searches at said first set of devices based on said request to search; attempting to

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provide results from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request to access a network of devices [figs.6-7; col.9, ln.17 - col.10, ln.48; col.1, ln.12 - col.2, ln.65].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber and Duursma, and further in view of London by attempting to provide results from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request to access a network of devices because this feature is useful in efficiently routing message in a network [London, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce amount of network traffic and reduce the burden on the proxy server [London, col.1, lns.49-50 and col.2, ln.22-23].

16. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over all Vilhuber in view of Duursma, as applied to claim 1 above, and further in view of Dreke et al., U.S. Patent No. 6,463,471 (hereinafter Dreke).

17. With respect to claim 13, Vilhuber is silent on establishing said network of devices without using a server.

In a method of communication, Dreke discloses establishing said network of devices without using a server [fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify both Vilhuber in view of Duursma in view of Dreke by establishing said network of devices without using a server because this feature reduces burden on a central server. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to distributed file sharing system in a network using database synchronization.

18. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over all Vilhuber in view of Duursma, and further in view of Dreke as applied to claim 13 above, and further in view of Levy, U.S. Patent Application Publication No. 2002/0052885.

19. With respect to claim 14, Vilhuber is silent on broadcasting from a first device; listening for other devices, performed by said first device; broadcasting from a second device; listening for other devices, performed by said second device; establishing a connection between said second device and said first device; authenticating said first device and said second device; broadcasting from a third device; listening for other devices, performed by said third device; establishing a connection between said second

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device and said third device; authenticating said second device and said third device; establishing a connection between said third device and said first device; and authenticating said first device and said third device.

In a method of communication, Levy discloses broadcasting [page 3, paragraph 0033 i.e. "having the computer broadcast their event logs to each other"] from a first device [i.e. 104]; listening [i.e. "maintain a copy of the event log, which is synchronized upon each broadcast operation"] for other devices, performed by said first device; broadcasting from a second device [i.e. 106]; listening for other devices, performed by said second device; establishing a connection between said second device and said first device; authenticating said first device and said second device; broadcasting from a third device; listening for other devices, performed by said third device; establishing a connection between said second device and said third device; authenticating said second device and said third device; establishing a connection between said third device and said first device; and authenticating said first device and said third device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Duursma, and further in view of Dreke, and further in view of Levy by establishing and authenticating among first, second, and third device in a network using broadcasting and listening because this feature reduces burden on a central server. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to distributed file sharing system in a network using database synchronization.

Response to Arguments

20. Applicant's arguments with respect to claims 1-57 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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